



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,269	04/03/2001	Renee Frengut	3313/1H343	2080

26135 7590 07/23/2004  
LOTT & FRIEDLAND, P.A.  
P.O. BOX 141098  
CORAL GABLES, FL 33114-1098

EXAMINER

CHAMPAGNE, DONALD

ART UNIT PAPER NUMBER

3622

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/825,269

Applicant(s)

FRENGUT ET AL.

Examiner

Donald L. Champagne

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7-2-01</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102 and 35 USC § 103*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6-10, 12-23 and 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Gerace (US005848396A).
4. Gerace teaches (independent claim 1) a method for generating a customized page, comprising the steps of: associating in a computer one or more ads with respective ad profiles (col. 3 lines 4-10); associating in a computer one or more users with respective user profiles (col. 2 lines 3-15); determining matching ad profiles by comparing the ad profiles with user profiles for matches within a prescribed parameter (col. 2 lines 31-34 and col. 35 lines 64-67), wherein any of the parameters used to make the match read on "a prescribed parameter", and selectively including in the page the one or more ads associated with the ad profiles matching the user profile within the prescribed parameter (col. 2 lines 24-29).
5. Gerace also teaches: (independent claims 6 and 30) storing statistical data determined according to the matches (col. 2 lines 35-42), selecting the ad(s) according to said statistical data and an anonymous user (col. 2 lines 43-53 and col. 32 lines 54-56); (independent claim 9) charging the advertiser in accordance with the matches (col. 12 lines 7-21); (independent

Art Unit: 3622

claims 27 and 16) providing the page to the user, in response to a user action (logging on to *program 31*, col. 4 lines 1-2 and 25-27); and (independent claim 12) formatting the page in accordance with the user profile (col. 2 lines 16-23).

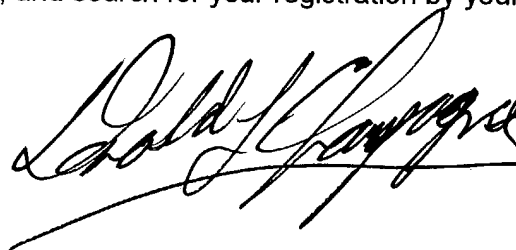
6. Gerace also teaches at the citations given above claims 2, 3, 17 and 29. No special meaning is disclosed for "prescribed parameter", so it must be interpreted as the parameter(s) by which the user and ad profiles are matched. Claims 2, 3 and 17 are therefore taught inherently. Claim 29 is also taught inherently because no special meaning is disclosed for "consistent".
7. Gerace also teaches at the citations given above claims 7, 8, 10 (where "number of users having matching user profiles" reads on *number of times the ad is presented to and viewed by users*), 18-23 and 28 (where the ad profile parameters themselves read on "information about a targeted audience for the ad").
8. Gerace also teaches claim 15, because the *Page Display Object 35c* defines page *outlines* (col. 7 lines 39-40), which read on a page "framework", and the user adds said *outline/framework* to the user profile by selecting such a page for viewing (col. 7 lines 53-57). Accordingly, Gerace also teaches claims 13 and 14 because these outlines (Appendix I beginning in col. 23) fully define page outlines including spaces.
9. Claims 11 and 24-26 are rejected under 35 U.S.C. 103(a) as being obvious over Gerace.
10. Gerace does not teach (claims 11 and 24) charging the advertiser based on the amount of ad space available. Because both ad cost and demand from advertisers increases with ad size, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add to the teachings of Gerace that advertisers are charged based on the amount of ad space available. Gerace does teach the added limitations of claim 25 (col. 2 lines 16-23).
11. Gerace does not teach (claim 26) charging the advertiser based on when the user receives the ad. Because the value to the advertiser depends on the timing of some ads (e.g., Christmas sale ads are valuable only before Christmas), it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add to the teachings of Gerace that advertisers be charged based on when the user receives the ad.

Art Unit: 3622

12. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being obvious over Gerace in view of Tuzhilin (US006236978B1).
13. Gerace does not teach that the user profile defines one or more advertisers or favorite products. Tuzhilin teaches (col. 11 lines 21-23) that the user profile defines one or more favorite brands, which reads on advertisers or favorite products. Because Tuzhilin teaches the construction of dynamic profiles for large groups of users (col. 1 line 52 to col. 2 line 20), it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add to the teachings of Tuzhilin to those of Gerace.

### **Conclusion**

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Champagne whose telephone number is 703-308-3331. The examiner can normally be reached from 6:30 AM to 5 PM ET, Monday to Thursday. The examiner can also be contacted by e-mail at [donald.champagne@uspto.gov](mailto:donald.champagne@uspto.gov), and *informal* fax communications (i.e., communications not to be made of record) may be sent directly to the examiner at 703-746-5536.
15. The examiner's supervisor, Eric Stamber, can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.
16. **ABANDONMENT** – If examiner cannot by telephone verify applicant's intent to continue prosecution, the application is subject to abandonment six months after mailing of the last Office action. The agent, attorney or applicant point of contact is responsible for assuring that the Office has their telephone number. Agents and attorneys may verify their registration information including telephone number at the Office's web site, [www.uspto.gov](http://www.uspto.gov). At the top of the home page, click on Site Index. Then click on Agent & Attorney Roster in the alphabetic list, and search for your registration by your name or number.



Donald L. Champagne  
Examiner  
Art Unit 3622

20 July 2004